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Docket #: Holmes.N-01

PATENT

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REMARKS/ARGUMENTS

1. Claim status: claims 1-3, 5 and 6 are pending in this application, while claim 4 was previously cancelled; claims 5 and 6 are now cancelled; and claims 1-3 have been amended to overcome the rejections under 35 USC §103(a) by Quenzi et al and Christie. Claims 1-3 clearly are directed to the smoothing of a poured concrete surface as shown in instant Figs. 5 and 6, and not to the mixing of concrete components. Concrete is normally thoroughly mixed prior to pouring so that the present invention does not function in that capacity. Quenzi et al does not disclose a dual flight auger directed in the present application of the apparatus. Christie does disclose a dual flight auger but does not disclose an auger with continuous flights. The flights of Christie are interrupted and this would cause the surface of the poured concrete to be less smooth as such interruptions would result in abrupt discontinuities in the concrete surface. Further, the flights taught by Christie as shown in his Fig. 3 would not function to smooth a poured concrete pad as they are too small. Thus, there would be no motive to combine Christie with Quenzi et al since the result would be completely non-functional. That is to say, the substitution of the Christie auger for the normal auger used by Quenzi et al (Fig. 3) would result in a less smooth poured concrete surface, and not an improvement. The particular dimensions added into the claims in our last response to the prior Office Action have been deleted in the claims so that no new matter is now present therein. Your applicant submits the now amended claims and requests a notice of allowance therefor.
2. A petition and fee for extension of time in the present response of 1 month is enclosed herewith. Therefore this amendment is timely filed as of the date of deposit shown below.

Respectfully submitted,



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Certification

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Mail Stop: Fee Amendment, Commissioner for Patents, Arlington, VA 22313-1450" on 1/7/05 date of deposit.

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Gene Scott